

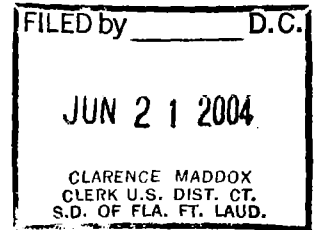
PROB 12B
(SD/FL 9/96)

SD/FL PACTS No. 65203

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 00-6243-CR-ZLOCH

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)



Name of Offender: Phyllis Pittman

Name of Sentencing Judicial Officer: The Honorable William J. Zloch, Chief U. S. District Judge, Fort Lauderdale, Florida

Date of Original Sentence: February 16, 2001

Original Offense: Bank Embezzlement, in violation of Title 18 § 565, a class B felony

Original Sentence: Bureau of Prisons for a total of Time Served, followed by five (5) years supervised release with the following special conditions: 1) Participate in an inpatient mental health treatment program as directed by the U. S. Probation Office; 2) Not incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as principal or cosigner, as an individual or through any corporate entity, without first obtaining the prior written permission from the U. S. Probation Officer; 3) Financial disclosure; and 4) Pay \$7,500 towards total restitution within three years from today (2/16/01). Failure to do so will be deemed by the Court to be a violation of supervised release. She was ordered to pay \$33,656.55 in restitution and a \$100 assessment fee.

Type of Supervision: Supervised Release

Date Supervision Commenced: February 21/ 2001

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

The defendant shall pay restitution at a rate of \$100 per month until such time as the court may alter that payment schedule in the interest of justice. The U. S. Probation Office and the U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material changes in the defendant's ability to pay.

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CAUSE

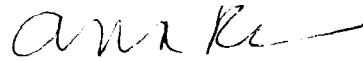
The defendant was ordered to make restitution in the amount of \$33,756.55. She was additionally ordered to pay \$7,500 towards that total restitution within the first three years of her supervision. The defendant has complied with that order. Several financial investigations have been conducted by the U. S. Probation Office to determine the defendant's ability to make monthly restitution payments. Based on that information it has been determined that the defendant will be able to pay \$100 per month towards her restitution. As such, it is respectfully requested Your Honor sign the attached Petition for Probation Action modifying the conditions of supervision as indicated above.

A recent United States Court of Appeals 11th Circuit Decision, U. S. vs David Prouty, determined that the setting of a schedule for payment of restitution is a Core Judicial function, under the Mandatory Victim's Restitution Act, and the District Court may not delegate its discretion to the U. S. Probation Officer pursuant to Title 18 U.S.C. § 3664(f).

Pursuant to that decision it is requested Your Honor sign the attached Petition for Supervised Release Action modifying the Conditions of Supervised Release as indicated above. Ms. Pittman has been advised of her rights relative to the modification of the terms of supervised release, and has agreed to the proposed modifications. She has waived her rights to legal counsel and hearing on this matter as evidenced by the attached signed Waiver of Hearing (Probation Form 49).

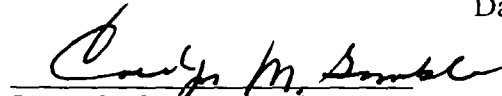
Respectfully submitted,

by




Ann M. Roman
U.S. Probation Officer
Phone: (954) 769-5509
Date: June 10, 2004

Reviewed and Approved by:


Carolyn M. Gamble, Supervising
U. S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Submit a Request for _ Warrant or _ Summons


Signature of Judicial Officer

6/21/04